

Report Date: November 22, 2023

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**Nov 27, 2023**

SEAN F. McAVOY, CLERK

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Felix M. Diaz

Case Number: 0980 4:15CR06004-SAB-1

Address of Offender: [REDACTED] Pasco, Washington 99301

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: November 23, 2015

Original Offense: Attempted Enticement of a Minor, 18 U.S.C. § 2422(b)

Original Sentence: Prison - 84 months  
TSR - 10 years

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison Gregoire

Date Supervision Commenced: November 2, 2021

Defense Attorney: Federal Defenders Office

Date Supervision Expires: November 1, 2031

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**PETITIONING THE COURT**To issue a **warrant**.

On November 8, 2021, all the conditions of supervised release were reviewed with Mr. Diaz. He acknowledged an understanding of his conditions of supervision and signed a copy of his conditions. Mr. Diaz was referred to Riverview Counseling and Consulting for sex offender treatment services.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<b><u>Special Condition #18:</u></b> Defendant shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). You shall not enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. Defendant shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, credit cards and bank statements.
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**Supporting Evidence:** Felix Diaz is considered to be in violation of his conditions of supervised release by viewing pornography on or before November 14, 2023.

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On November 14, 2023, Mr. Diaz completed a required polygraph. At that time, he disclosed viewing transsexual pornography on the Internet.

On November 21, 2023, the undersigned officer learned of Mr. Diaz accessing and viewing pornography. The undersigned officer made telephonic contact with the offender and he admitted to the undersigned officer to viewing adult transsexual pornography on an ongoing basis for the past month. That same date, Mr. Diaz reported to the probation office. While at the probation office, he admitted to the undersigned officer to viewing adult male cross-dressing transsexual pornography on the Internet on his flip cell phone that he previously reported did not have Internet capabilities.

- 2      **Special Condition #15:** Defendant shall actively participate and successfully complete an approved state-certified sex offender treatment program. Defendant shall follow all lifestyle restrictions and treatment requirements of the program. Defendant shall participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. Defendant shall allow reciprocal release of information between the supervising officer and the treatment provider. Defendant shall pay for treatment and testing according to defendant's ability.

**Supporting Evidence:** Felix Diaz is considered to be in violation of his conditions of supervised release by failing to comply with his sex offender treatment program on or before November 14, 2023.

On November 21, 2023, the sex offender treatment provider reported Mr. Diaz to be in non-compliance with his treatment plan as he had not been honest with the provider that he had been accessing and viewing pornography for sexual arousal and masturbation purposes.

- 3      **Special Condition # 23:** You must allow the probation officer to install monitoring software on any of the following used by you: computers, other electronic communications or data storage devices or media, that can receive, store, or otherwise possess materials with depictions of "sexually explicit conduct" (as defined by 18 U.S.C. § 2256(2)) involving children, or "actual sexually explicit conduct" (as defined by 18 U.S.C. § 2257(h)(1)) involving adults.

**Supporting Evidence:** Felix Diaz is considered to be in violation of his conditions of supervised release by failing to allow the probation officer to install monitoring software on his cell phone on or before November 21, 2023.

Mr. Diaz initially reported his flip cell phone did not have Internet capabilities. On November 21, 2023, Mr. Diaz admitted to the undersigned officer to knowing he could access the Internet on his flip cell phone and he became aware of this about 1 month ago. However, on November 22, 2023, Mr. Diaz admitted to knowing about his cell phone having Internet capabilities about 6 months ago. Mr. Diaz did not report to the probation officer or the treatment provider that he could access the Internet on his flip cell phone, therefore, did not allow the probation officer to install monitoring software.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 22, 2023

s/Elizabeth Lee

Elizabeth Lee  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

11/27/2023

Date